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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,034	03/21/2000	Jay H. Connelly	042390.P8388	6937

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EXAMINER

BLAIR, DOUGLAS B

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/532,034

Applicant(s)

CONNELLY, JAY H.

Examiner

Douglas B Blair

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,449,632 to David et al. in view of U.S. Patent Number 6,490,722 to Barton et al..
4. David teaches the invention substantially as claimed (As in claim 28) including a system, comprising: a broadcast server; and one or more client systems couple to the broadcast server; wherein the broadcast server is couple to broadcast data to one or more clients (col. 6, lines 10-36); wherein the one or more client systems are coupled to rate one or more of the plurality of data described by the data (col. 6, lines 37-59); wherein the one or more client systems are coupled to transmit to the broadcast server the ratings of data files (col. 7, lines 50-67 and col. 8, lines 1-14); wherein the broadcast system is coupled to select a portion of the plurality of the data files in response to the ratings received from the one or more client systems (col. 10, lines 33-51); and wherein the broadcast system is further coupled to broadcast the selected portion of

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the plurality of data files (col. 8, lines 15-28); however David does not explicitly teach broadcasting meta-data including descriptions of data files or a content rating table for rating files described by the meta-data.

Barton teaches a system with a server that broadcasts meta-data including descriptions of a plurality of data files (col. 18, lines 19-50) and one or more clients coupled to rate in response to a content rating table one or more of the plurality of data files described by the meta-data, the content rating table generated responsive to data files previously accessed (col. 13, lines 7-40).

It would have been obvious to one of ordinary skill in the Computer Networking art to combine the teachings of David regarding a method for broadcasting information based on customer ratings with the teachings of Barton regarding broadcasting meta-data containing descriptions of data files and providing content rating tables because David suggests the use of other techniques known in the art for collecting user information (col. 7, lines 50-67 and col. 8, lines 1-2).

5. As to claims 1, 7, and 10, they are method claims that feature limitations that correspond to the system claim 28 so claims 1, 7, and 10 are rejected on the same basis as claim 28.

6. As to claim 14 and 26, they feature limitations corresponding to the client in the system claimed in claim 28 and are thus rejected on the same basis as claim 28.

7. As to claims 18, 21, and 24, they feature limitations corresponding to the server in the system claimed in claim 28 and are thus rejected on the same basis as claim 28.

8. As to claims 2, 15, 25, David teaches selecting the portion of the plurality of data files which have higher ratings based on the received ratings (col. 10, lines 33-51).

9. As to claim 3, David teaches combining the ratings received from the client systems, if ratings are received from more than one client system, to generate an overall ratings list of the plurality of data files (col. 8, lines 55-65).

10. As to claims 4, 12, 16 and 23, Barton teaches broadcasting a broadcast schedule of the portion of the plurality of data files prior to broadcasting the portion of the plurality of data files (col. 18, lines 19-50).

11. As to claims 5 and 17, Barton teaches broadcasting a broadcast schedule of the meta-data prior to broadcasting the meta-data to the one or more client systems (col. 18, lines 19-50).

12. As to claim 6, David teaches broadcasting the portion of the plurality of data files to the one or more client systems comprising broadcasting on the plurality of data files having a higher ratings prior to broadcasting on of the plurality of data files having a lower rating (col. 10, lines 33-51).

13. As to claims 8, 11, 19, 22, and 27, Barton teaches receiving a meta-data broadcast schedule broadcast by the server system, the client system activated in response to the meta-data broadcast schedule (col. 18, lines 19-50).

14. As to claims 9, 13, and 20, David teaches a first plurality of data files including a second plurality of data files (col. 7, lines 50-67 and col. 8, lines 1-2).

15. As to claims 29-32, Barton teaches a system wherein each of one or more client systems are coupled to selectively receive and store a portion of the selected portion of the plurality of data files in response to a content rating table associated with each respective one of the plurality of client systems (col. 18, lines 19-50).

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Response to Arguments

16. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B Blair whose telephone number is 703-305-5267. The examiner can normally be reached on 8:30am-5pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

Douglas Blair
October 6, 2003

DBB

MARC D. THOMPSON
MARC THOMPSON
PRIMARY EXAMINER